

AUSAs: Justin L. Brooke, Jared D. Hoffman

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ILARIO CONTRERAS, JERPI DIAZ-FELIZ,
a/k/a "Jorge Diaz-Feliz," JHOAN DIAZ-
FELIZ, VICTOR JIMENEZ, AND JOSEPH
PEREZ,

Defendants.

COMPLAINT

Violations of 18 U.S.C. §§ 924(c), 924(j),
1951, 21 U.S.C. §§ 841(b)(1)(A), 846

COUNTY OF OFFENSES:
WESTCHESTER

SOUTHERN DISTRICT OF NEW YORK, ss.:

JUSTIN GRAY, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(Conspiracy to Commit Hobbs Act Robbery)

1. Between at least on or about March 18 and March 19, 2024, in the Southern District of New York and elsewhere, ILARIO CONTRERAS, JERPI DIAZ-FELIZ, a/k/a "Jorge Diaz-Feliz," JHOAN DIAZ-FELIZ, VICTOR JIMENEZ, AND JOSEPH PEREZ, the defendants, and others known and unknown, knowingly combined, conspired, confederated, and agreed together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, the defendants conspired together and with others to rob at gunpoint a warehouse that sells various unlicensed marijuana and nicotine products in Mount Vernon, New York.

(Title 18, United States Code, Section 1951.)

COUNT TWO
(Conspiracy to Distribute Narcotics)

2. In or about March 2024, in the Southern District of New York and elsewhere, ILARIO CONTRERAS, JERPI DIAZ-FELIZ, a/k/a "Jorge Diaz-Feliz," JHOAN DIAZ-FELIZ, VICTOR JIMENEZ, AND JOSEPH PEREZ, the defendants, and others known and unknown, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to violate the controlled-substance laws of the United States.

3. It was a part and an object of the conspiracy that ILARIO CONTRERAS, JERPI DIAZ-FELIZ, a/k/a "Jorge Diaz-Feliz," JHOAN DIAZ-FELIZ, VICTOR JIMENEZ, AND

JOSEPH PEREZ, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

4. The controlled substance involved in the offense was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Sections 846 and 841(b)(1)(A).)

COUNT THREE
(Firearms Use, Carrying, and Possession)

5. On or about March 19, 2024, in the Southern District of New York and elsewhere, ILARIO CONTRERAS, JERPI DIAZ-FELIZ, a/k/a “Jorge Diaz-Feliz,” JHOAN DIAZ-FELIZ, VICTOR JIMENEZ, AND JOSEPH PEREZ, the defendants, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the drug trafficking crime charged in Count Two of this Complaint, knowingly used and carried a firearm, and in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, which was brandished and discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), and (iii) and 2.)

COUNT FOUR
(Murder Through the Use of a Firearm)

6. On or about March 19, 2024, in the Southern District of New York and elsewhere, ILARIO CONTRERAS, JERPI DIAZ-FELIZ, a/k/a “Jorge Diaz-Feliz,” JHOAN DIAZ-FELIZ, VICTOR JIMENEZ, AND JOSEPH PEREZ, the defendants, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the drug trafficking crime charged in Count Two of this Complaint, knowingly used and carried a firearm, and in furtherance of such crime, possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, and in the course of that crime caused the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111, and aided and abetted the same, to wit, the Defendants aided and abetted the fatal shooting of a victim in the vicinity of South Fifth Avenue, Mount Vernon, New York during and in relation to the drug trafficking crime charged in Count Two of this Complaint.

(Title 18, United States Code, Sections 924(j) and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

7. I have been a Special Agent with the FBI since approximately January 2018. Prior to joining the FBI, I was an investigator with the Brooklyn District Attorney’s Office since 2015. Over the course of my career, I have participated in numerous investigations of homicides, armed robberies, firearms offenses, conspiracies to commit violent crimes, and drug trafficking offenses. I have been personally involved in the investigation of this matter.

8. This affidavit is based upon my personal participation in this investigation, my conversations with other law enforcement personnel, and my review of law enforcement records and other evidence, and my training, experience, and advice received relating to investigations into homicides, armed robberies, firearms offenses, conspiracies to commit violent crimes, and drug trafficking crimes. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

9. Based upon my participation in the investigation of this matter, my conversations with members of the Mount Vernon Police Department (“MVPD”) and other members of the FBI investigating this matter, my review of video surveillance, and my review of related law enforcement reports and records, I have learned the following:

The Armed Robbery and Two Individuals Shot Dead

a. On or about March 18, 2024, at approximately 10:00 p.m., two customers (the “Customers”) arrived at an address on South Fifth Avenue in Mount Vernon, New York, a wholesale warehouse that sells various unlicensed marijuana and nicotine products (the “Warehouse”). The two Customers placed an order for a large quantity of vapes and hookahs, among other items, from the Warehouse. It took employees of the Warehouse approximately two hours to prepare their order.

b. A little after midnight, after the Customers’ order was prepared, two employees from the Warehouse helped the Customers carry the boxes containing the Customers’ merchandise from the Warehouse to the Customers’ vehicle. At that point, according to statements provided by the Warehouse employees and the Customers, as well as video surveillance, roughly between 10 and 15 people (the “Targets”), exited a van (the “Van”) that was parked near the Warehouse and ran over to the Warehouse’s employees and Customers. Many of the Targets possessed and brandished firearms.

c. According to one of the two Customers, when the Targets got out of the Van, they ran over to the two employees and the Customers, pointed their firearms at them, forced them to go back inside the Warehouse, and shouted, “lay down, lay down.” Still images from video surveillance outside the Warehouse are depicted below:





d. Shortly after the Targets jumped out of the Van and approached the Warehouse employees and Customers with firearms, a gunfight between the Warehouse employees and the Targets broke out.

e. At approximately 12:15 a.m., multiple MVPD officers responded to the armed robbery at the Warehouse. At the Warehouse, the MVPD officers observed a black male lying on the floor with an apparent gunshot wound to his head ("Male-1"). He was wearing green and white sneakers, grey and black jeans, and a black Nike hooded sweatshirt with the hood covering his face. Emergency Medical Services ("EMS") on scene pronounced him dead at 12:36 a.m. Fingerprint analysis of Male-1 determined that he was neither one of the Customers, nor an employee of the Warehouse. As described below, Male-1's identification card was later found pursuant to a search of the person of VICTOR JIMINEZ, the defendant, and for that reason, among others, I believe Male-1 was a participant in the armed robbery of the Warehouse.

f. MVPD officers also observed another male lying under a shelving unit in the Warehouse, with two apparent gunshot wounds to his torso, one gunshot wound to his left upper chest, and one to the lower left abdomen (the "Victim"). EMS transported the Victim to a Mount Vernon hospital, where he was pronounced dead at 1:07 a.m. The Victim was an employee of the Warehouse.

g. At the Warehouse, MVPD officers recovered an AR-15 firearm, four AR spent shell casings, and three spent 9mm shell casings. According to a Warehouse employee, the AR-15 was owned by the Warehouse and stored behind the register for protection purposes.

The Investigation of the Group of Armed Robbers

10. Based on publicly available records, the FBI and MVPD learned that Male-1 resided at an apartment (the "Bronx Apartment") in a multi-apartment complex in the vicinity of Clinton Avenue in Bronx, New York (the "Bronx Complex"). Law enforcement officers responded to the Bronx Complex, where the FBI and MVPD obtained video surveillance from outside and inside the Complex.

11. Based on my review of the video surveillance from the Bronx Complex, I am aware of the following:

a. On or about March 18, 2024—the day before the armed robbery at the Warehouse—at approximately 12:38 p.m., 7 males left the Bronx Complex and entered the Van.

b. On or about March 19, 2024, at approximately 4:35 a.m.—after the armed robbery at the Warehouse—the Van pulled up in front of the Bronx Complex and 6 males got out of the Van. Three of the males walked north on Clinton Avenue, while the other 3 males walked into the Bronx Complex and in the direction of the Bronx Apartment.¹

12. Furthermore, I compared still images from the video surveillance at the Warehouse during the armed robbery to still images from the video surveillance at the Bronx Complex and observed the following:

a. JOSEPH PEREZ, the defendant, was captured on video surveillance from the Bronx Complex prior to the armed robbery with his face clearly visible, and he is seen wearing white sneakers with red/orange laces and a baseball hat (*see Image A*). Moments later, PEREZ is captured on video surveillance outside the Bronx Complex carrying a white sweatshirt and wearing white sneakers and a baseball hat (*see Image B*). Video surveillance from the Warehouse at the time of the armed robbery captured PEREZ wearing the white sweatshirt with “GAP” written across the chest, white sneakers with red/orange laces, and what appears to be a baseball hat under his sweatshirt hood (*see Image C*). Following the armed robbery at the Warehouse, PEREZ is again captured on video surveillance at the Bronx Complex wearing the GAP sweatshirt and white sneakers with red/orange laces and what appears to be a baseball hat under his sweatshirt hood. (*see Image D*).



Image A



Image B

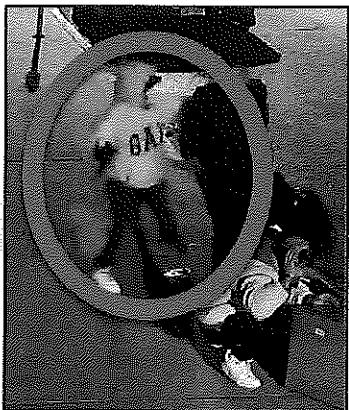


Image C



Image D

¹ Although there is no video camera that is directly pointed at the entrance to the Bronx Apartment, based on the direction in which the individuals were captured walking in the video surveillance, there was no other door, hallway, or staircase except for the Bronx Apartment to which the 3 males could have walked.

b. JHOAN DIAZ-FELIZ, the defendant, was captured on video surveillance at the Bronx Complex before the armed robbery with his face clearly visible, and he is seen wearing a black hooded sweatshirt with a thick grey line across the chest, dark pants, dark sneakers, and a baseball hat (see image below left). Later, DIAZ-FELIZ is captured on video surveillance at the Warehouse during the armed robbery of the Warehouse wearing the same (see image below right).



c. ILARIO CONTRERAS, the defendant, was captured on video surveillance from the Bronx Complex prior to the armed robbery with his face clearly visible, and he is seen wearing a black sweatshirt, black sweatpants, and white sneakers with yellow accents (see Image A). Moments later, the back of CONTRERAS's sweatshirt is visible and there is distinctive white font written across the back of his sweatshirt (see Image B). Video surveillance from the Warehouse captured PEREZ at the armed robbery wearing the black sweatshirt with distinctive white font (see Image C). After the armed robbery, CONTRERAS was captured at the Bronx Complex wearing the black sweatshirt with distinctive white font, as well as the white sneakers with yellow accents (see Image D).



Image A

Image B

Image C

Image D

d. JERPI DIAZ-FELIZ, a/k/a “Jorge Diaz-Feliz,” the defendant, was captured on video surveillance from the Bronx Complex prior to the armed robbery with his face clearly visible, and he is seen wearing a black sweatshirt, black sweatpants, a black baseball hat with a white logo, and white sneakers with red and black accents and black laces (*see Image A*). He is also captured on video surveillance from the Bronx Complex prior to the armed robbery wearing the same clothing while walking with ILARIO CONTRERAS, the defendant (*see Image B*). Following the armed robbery, DIAZ-FELIZ is again captured by video surveillance from the Bronx Complex wearing the same clothing described above, and he is walking with CONTRERAS again (*see Image C*). Additionally, at least one defendant confirmed in a post-arrest statement that DIAZ-FELIZ was involved in the armed robbery of the Warehouse.



Image A

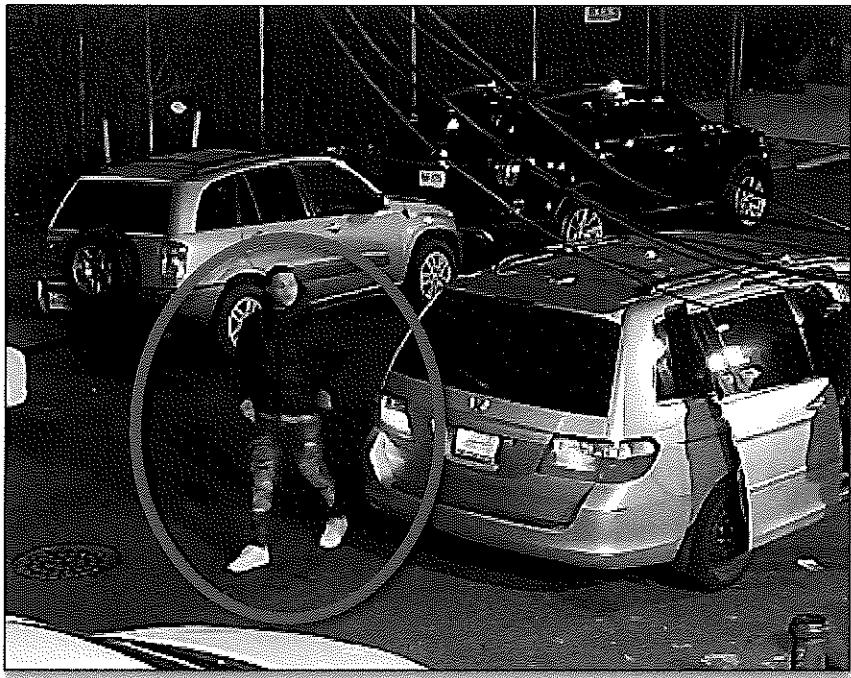


Image B



Image C

e. VICTOR JIMENEZ, the defendant, is captured by video surveillance during the armed robbery of the Warehouse standing next to the Van (*see below*). In post-arrest statements, at least one defendant confirmed that JIMENEZ was involved in the armed robbery of the Warehouse. As described below, Male-1's identification card was later found pursuant to a search of the person of JIMENEZ.



13. On or about March 19, 2024, a source of confidential information (the "CI")² participated in a voluntary interview with the FBI and told them, in substance and in part, that he participated in the armed robbery; that, prior to the robbery, one other participant of the armed robbery had told the CI that the group expected to rob the Warehouse of 8 million dollars and 6 kilograms of cocaine; and that that the group intended to sell the cocaine.

The Arrest of the Defendants and Vehicle Pursuit of One Target Still At Large

14. On or about March 19, 2024, at approximately 7:00 p.m., FBI and MVPD officers conducted surveillance of the Van, which was parked outside the Bronx Complex. FBI and MVPD officers observed 7 males and 2 females leave the Bronx Complex with a large drawstring bag and grocery tote bag, both of which appeared full, and place them into the trunk of the Van.

15. Shortly thereafter, a Honda Civic (the "Civic") arrived in front of the Bronx Complex. Approximately 2 males got out of the Van, grabbed the 2 bags out of the trunk of the Van, placed them in the back of the Civic, and entered the Civic. Approximately 5 males got out

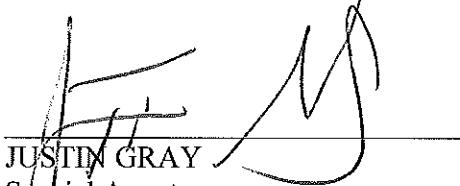
² The CI has a prior conviction for disorderly conduct. The CI has previously provided information to federal law enforcement which has proven reliable and been corroborated. The CI did not, however, disclose his involvement in this robbery until after it was completed.

of the Van and split into two groups; one group entered a white Jeep (the “Jeep”), and another group entered a white Audi (the “Audi”).

16. The Jeep, the Audi, and the Civic then left the Bronx Complex. At that time, FBI and MVPD officers conducted a stop of the Jeep, the Audi, and the Civic, and detained and searched all passengers in the three vehicles.

17. Among the individuals searched were ILARIO CONTRERAS, JERPI DIAZ-FELIZ, a/k/a “Jorge Diaz-Feliz,” JHOAN DIAZ-FELIZ, VICTOR JIMENEZ, AND JOSEPH PEREZ, the defendants. When the FBI and MVPD searched JIMENEZ’s person, they found Male-1’s identification card.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of ILARIO CONTRERAS, JERPI DIAZ-FELIZ, a/k/a “Jorge Diaz-Feliz,” JHOAN DIAZ-FELIZ, VICTOR JIMENEZ, AND JOSEPH PEREZ, the defendants, and that they be arrested, and imprisoned or bailed, as the case may be.



JUSTIN GRAY
Special Agent
Federal Bureau of Investigation

Sworn to before me this 20th day of March, 2024.



THE HONORABLE VICTORIA REZNIK
United States Magistrate Judge
Southern District of New York